

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRAD A. BRADFORD

Plaintiff,

vs.

Civil Action 2:14-cv-462
Judge Sargus
Magistrate Judge King

STATE OF OHIO, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

This case was filed on May 20, 2014 but service of process has not been completed. Plaintiff, who is proceeding without the assistance of counsel, was ordered to show cause by October 15, 2014 why the action should not be dismissed. *Order*, ECF 5 (citing Fed. R. Civ. P. 4(m)). Plaintiff has made no response to that *Order*. It appears that plaintiff has abandoned the prosecution of the litigation.

It is therefore **RECOMMENDED** that this action be dismissed, without prejudice, for failure to timely effect service of process.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*,

specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) ("[A] general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal") (citation omitted)).

October 16, 2014

s/ Norah McCann King
Norah McCann King
United States Magistrate Judge